

underscoring material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 1208

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Jose A. Campos

AN ACT

RELATING TO IRRIGATION DISTRICTS; ALLOWING IRRIGATION DISTRICTS ORGANIZED PURSUANT TO CHAPTER 73, ARTICLE 10 NMSA 1978 THAT HAVE THREE-MEMBER BOARDS TO INCREASE THE NUMBER OF BOARD MEMBERS TO FIVE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-10-5 NMSA 1978 (being Laws 1919, Chapter 20, Section 5) is amended to read:

"73-10-5. BOUNDARIES SET BY PETITION--DIVISIONS--ELECTION CALL--OFFICERS.--

A. When [~~such~~] the petition is presented and it [~~shall appear~~] appears that the notice of the presentation of [~~said~~] the petition has been given as required by law and that [~~said~~] the petition has been signed by the requisite number of petitioners as required by [~~this Act~~] Chapter 73, Articles 10

underscored material = new
[bracketed material] = delete

1 and 11 NMSA 1978, the commissioners shall [~~then~~] proceed to
2 define the boundaries of [~~said~~] the proposed district from
3 [~~said~~] the petition and from [~~such~~] the application for the
4 exclusion of lands [~~therefrom~~] from it and the inclusion of
5 lands [~~therein~~] in it as may be made in accordance with the
6 intent of [~~this Act; they~~] those articles. The commissioners
7 may adjourn [~~such~~] the examination from time to time, not
8 exceeding three weeks [~~in all~~], and shall by final order duly
9 entered define and establish the boundaries of [~~such~~] the
10 proposed district [~~provided, that~~]. The [~~said~~] board shall not
11 modify [~~such~~] the proposed boundaries described in the petition
12 [~~so as~~] to change the objects of [~~said~~] the petition or [~~so as~~]
13 to exempt from the [~~operation~~] provisions of [~~this Act~~] those
14 articles any land within the boundaries proposed by the
15 petition susceptible to irrigation by the same system of water
16 works applicable to other lands in [~~such~~] the proposed
17 district; nor shall any land [~~which~~] that will not, in the
18 judgment of the board, be benefited by such proposed water
19 system be included in [~~such~~] the district if the owner or
20 entryman [~~thereof~~] of the land shall make application at [~~such~~]
21 the hearing to withdraw [~~the same; provided, also that~~] it.
22 The contiguous lands not included in [~~said~~] the proposed
23 district as described in the petition may upon application of
24 the owner [~~or owners~~] be included in [~~such~~] the district upon
25 [~~such~~] the hearing, in the event that it shall be determined

.167406.1

underscored material = new
[bracketed material] = delete

1 that the water supply for ~~[such]~~ the additional lands is
2 available and that in other respects it is feasible for the
3 lands of the petitioners to be included within ~~[such]~~ the
4 district.

5 B. When the boundaries of any proposed district
6 ~~[shall]~~ have been examined and defined ~~[as aforesaid]~~, the
7 county commissioners shall ~~[forthwith]~~ make an order allowing
8 the prayer of ~~[said]~~ the petition, defining and establishing
9 the boundaries and designating the name of ~~[such]~~ the proposed
10 district. ~~[Thereupon]~~ The ~~[said]~~ commissioners shall, by
11 further order duly entered upon their record, call an election
12 of the qualified electors of ~~[said]~~ the district to be held for
13 the purpose of determining whether ~~[such]~~ the district shall be
14 organized under the ~~[conditions]~~ provisions of ~~[this Act]~~
15 Chapter 73, Articles 10 and 11 NMSA 1978 and by ~~[such]~~ the
16 order shall submit the names of one or more persons from each
17 of the divisions of ~~[said]~~ the district ~~[as hereinafter]~~
18 provided by those articles to be voted for as directors
19 ~~[therein and]~~. For the purpose of ~~[said]~~ the election, the
20 commissioners shall divide ~~[said]~~ the district into divisions,
21 in number as hereinafter designated, as nearly equal in size as
22 may be practical and shall provide that one qualified elector
23 of each of ~~[said]~~ the divisions shall be elected as a member of
24 the board of directors of ~~[said]~~ the district by the qualified
25 electors of the whole district. The board of county

.167406.1

underscored material = new
[bracketed material] = delete

1 commissioners shall establish and define a convenient number of
2 election precincts and designate polling places, subject to
3 amendment by the board of directors for subsequent elections
4 [~~and~~]. Three judges shall be appointed for each of [~~such~~] the
5 precincts, one of whom shall act as clerk of [~~said~~] the
6 election [~~provided, that~~]. In the hearing of any such
7 petition, the board of county commissioners shall disregard any
8 informality [~~therein~~] in it and in case [~~they~~] the
9 commissioners deny [~~the same~~] it or dismiss it for any reason
10 on account of the provisions of [~~this Act~~] Chapter 73, Articles
11 10 and 11 NMSA 1978 not having been complied with, which are
12 the only reasons upon which they shall have a right to refuse
13 or dismiss the [~~same~~] petition, they shall state their reasons
14 in writing [~~therefor~~] in detail, which shall be entered upon
15 their records [~~and~~]. In case these reasons are not well
16 founded, a writ of mandamus shall, upon proper application
17 [~~therefor~~] for it, issue out of the district court of [~~said~~]
18 the county, compelling them to act in compliance with [~~this~~
19 ~~Act~~] Chapter 73, Articles 10 and 11 NMSA 1978, which writ shall
20 be heard within twenty days from the date of its issuance.

21 C. The officers of [~~such~~] the district shall
22 consist of the directors, a secretary and a treasurer. The
23 directors and divisions of irrigation districts shall be in
24 number, for districts having an irrigable area of twenty-five
25 thousand acres or less, three; for districts having an

.167406.1

underscored material = new
[bracketed material] = delete

1 irrigable area of more than twenty-five thousand acres and not
2 more than fifty thousand acres, five; for districts having an
3 irrigable area of more than fifty thousand acres and less than
4 seventy-five thousand acres, seven; and for districts having an
5 irrigable area of seventy-five thousand acres or more, nine
6 directors and divisions; provided that the directors of a
7 district having an irrigable area of twenty-five thousand acres
8 or less may by majority vote increase the number of directors
9 and divisions of the district to five."

10 - 5 -
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25